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Filling the gap? An analysis of NGO responses to participation and representation deficits in global climate governance.

This paper examines how large international NGOs and NGO networks respond to participation and representation deficits in the formulation of global climate policy at the UNFCCC. The paper distinguishes between three types of NGO responses to these deficits: support for more balanced systems of representation at the intergovernmental level (weight); support for the direct participation by affected local communities in the relevant instances of policy-making (access); and representation by the NGOs themselves. This last response is linked to a critical discussion of how the structure of decision-making within NGOs and NGO networks shapes the ability of these groups to develop a ‘mandate’ (Pitkin 1967) to represent affected communities. Democratically legitimate governance processes – including earth system governance - require mechanisms that allow for the fair representation of all affected stakeholders. One particularly serious normative challenge to the democratic legitimacy of many international organisations is the fact that while their decisions impact on a wide range of stakeholders, these stakeholders are not given effective or balanced representation in the corresponding decision-making processes. Local communities (and indigenous peoples) in developing countries, for example, are often marginalised or excluded from political processes at the national and international levels for a range of economic, socio-cultural and political reasons. Large international NGOs and international NGO networks, on the other hand, have become increasingly powerful actors at various levels of earth system governance. Some commentators argue that these civil society actors can act as a link between the local and the global and provide a voice for affected but otherwise marginalised communities. Critics, on the other hand, have challenged the legitimacy and accountability of these actors on a number of grounds, pointing out that they are not subject to traditional mechanisms of democratic control and are contributing to the existing over-representation of Northern interests in global institutions. This paper tries to explore some of the challenges international NGOs and NGO networks face in shifting from trustee-based to mandate-based forms of representation, based on authorisation and accountability, and suggests that their willingness and ability to represent local voices in international organisations depends not only on the values espoused by the NGOs themselves but also on the institutional and issue characteristics of the international organisation in which they make these representational claims.

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I. Introduction

The objective of this paper is to examine the notion that international NGOs seek to contribute to overcoming the democratic disconnect between decision-making processes in international organisations and those communities affected by policy outcomes on the ground. One of the key justifications for granting NGOs greater access to international policy-making processes is the notion that their participation helps to address some of the representation and participation shortcomings inherent in these processes. Since uneven representation among governmental participants in international forums and the lack of societal access to the relevant levels of policy-making present two key features of democratic deficits in international organisations, the paper will set out how NGOs have responded to these challenges. In addition, it seeks to provide a critical analysis of whether the NGOs themselves can assume representative functions for otherwise marginalised communities. These three types of NGO responses to participation and representation deficits will be discussed with reference to the UNFCCC and its environmental NGO ‘constituency’.

Firstly it is worth briefly illustrating the underlying assumptions, which give rise to the research questions addressed in this paper. One key premise is the notion that institutions of global governance suffer democratic deficits that risk undermining their legitimacy in the eyes of their members and the wider public.¹ My concern here is primarily with shortcomings in the *input legitimacy* of these institutions, i.e. the democratic quality of rule-making processes.² Furthermore, public rule-making in international *inter-governmental* organisations (IGOs) constitutes the point of departure for my analysis, although (for the reasons outlined below) the discussion will be extended to the question of governance within international NGOs and NGO networks. Reforms designed to promote greater engagement with a range of non-governmental actors are often presented as possible solutions (among others) to the concerns about the democratic shortcomings of IGOs.³ This begs the question of how these private actors live up to the expectations vested in them, and whether they are really able to fulfil their alleged ‘democratising’ potential in the current multilateral architecture.

The key problem for the democratic legitimacy of IGOs is that the transfer of decision-making authority by states to these institutions risks undermining “the congruence between the ‘people’ that is being governed, and the ‘people’ that is supposed to govern.”⁴ This means that a small group of decision-makers might end up implementing policies, rules and regulations that have a substantial impact on the lives of others who are not able to hold these decision-makers to account. The communities affected by these rules and policies are effectively marginalised or excluded from the relevant decision-making processes. In Keohane’s opinion, the most serious normative problem at the international level lies in making these decision-makers accountable to the affected communities.⁵

¹ Held (2004), Held and Archibugi (2004), Zuern (2004)

² Scharpf (1998), Scharpf (1999), Dingwerth (2007)

³ Commission on Global Governance (1995)

⁴ Scharpf (1998)

⁵ Keohane (2002): 14

The democratic legitimacy of intergovernmental policy-making relies on the assumptions that citizens are represented through their governmental delegates. In practice, however, this model of democratic representation encounters a number of serious challenges. In many countries, weak democratic institutions offer only limited space for political participation by citizens. Even in functioning democracies there may be limited opportunities for (and interest in) holding governments to account for their actions in international negotiations. Moreover, the design and features of the international institutions themselves leave much to be desired from the perspective of democratic legitimacy. Many of the world's poorest countries are formally and/or informally underrepresented, which means that the citizens of these countries have even less scope for influencing policies that affect them. The International Financial Institutions in particular are criticised for their donor-driven systems of governance, which fail to give sufficient voice to those countries most affected by their policies. Some observers point to the fact that more and more power is vested in informal groupings of states with only limited number of members, such as the G8 or the G20.⁶ This trend only exacerbates existing concerns about the lack of transparency within international institutions and the failure to engage with civil society in a meaningful and constructive manner.

The factors outlined are some of the reasons for why certain groups of citizens (especially those in rich and influential countries) are likely to be better represented in international institutions than others. At the same time, however, the policy decisions taken at the international level are also likely to have differential impacts on citizens across and within countries. In many areas, such as development, environment or international trade policy, the impacts are particularly severe for those communities who are already among the poorest and most vulnerable groups in society. Frequently marginalised from domestic political processes for a range of socio-economic reasons, these communities find it particularly hard to participate in the decision-making processes, which affect their lives.

A number of reforms have been implemented within IGOs over recent years, many in response to the growing concerns about democratic representation and participation shortcomings. These include, among others, initiatives to increase the transparency of international organisations, changes to the formal voting structures, and increasing the level of engagement with civil society actors. The normative case for involving civil society in policy deliberations rests on the assumption that through broad societal participation all those affected by a political decision have a chance to make their voices heard and take part in rational debate. This is intended to increase the democratic legitimacy of the processes through which decisions are taken, and to contribute to the greater acceptance of policy outcomes by stakeholders. In practice, efforts designed to enhance the participation of 'global civil society' are frequently synonymous with granting NGOs greater scope for involvement with IOs.⁷ The Report of the Commission on Global Governance states, that "Global Civil Society is best expressed in the global non-governmental movement."⁸ The idea that NGOs play an important role in strengthening participation and representation in international institutions is also explored in the academic literature. Hence Steffek, Kissling and Nanz argue that NGOs (they use the term "organized civil society") have "the potential

⁶ Forman and Segaar (2006)

⁷ McKeon with Kalafatic (2009): 17

⁸ Commission on Global Governance (1995): 254

to function as a ‘transmission belt’ between a global citizenry and the institutions of global governance.”⁹ Payne and Samhat maintain that their “participation lends voice to excluded constituencies in global politics.”¹⁰

In this paper I am using the case of the global climate negotiations to explore how those NGOs engaging with the UNFCCC have responded to concerns over representation and participation deficits in global climate policy-making. While the issue of climate change has come to dominate the field of global environmental politics over recent years, it has also proven rather resilient to participatory approaches in the past, and has frequently been associated with technocratic and science-driven environmental discourses.¹¹ In this sense climate change presents a ‘hard’ case for showing that NGOs do not only contribute factual information and expertise to the negotiations but are also concerned with issues of procedural legitimacy. At the same time, the profound impacts of both climate change and climate policies on vulnerable communities, especially in developing countries, mean that issues of participation and representation at the relevant levels of policymaking have real and practical relevance for millions of people.

A few more definitions are warranted. In this paper, I use the term ‘international NGO’ only for groups not associated with business or governmental interests, which have either constituent members (national organisations) or conduct operations in several countries (usually both). The NGOs I am focussing on are also engaging with IGOs as part of their advocacy (and service delivery) work and probably constitute the “category of civil society organizations (CSOs) with most presence in UN system policy forums.”¹² In the case of the UNFCCC, this category of NGOs is predominantly made up of environmental and development NGOs, with many of the most influential and active groups based Northern countries. Indigenous peoples’ groups, often also organised as NGOs¹³, are also important players among the non-government observer groups to the UNFCCC. They differ from other international NGOs, however, in that they are closely linked to a particular constituency with whom they identify on the basis of “shared identity”.¹⁴ The concept of ‘affected communities’ is deliberately left unspecified - any definition of ‘affectedness’ is likely to be contested,¹⁵ which may be why NGO practitioners and policy-makers also tend to employ this concept very loosely. In this paper, the concept of ‘affected communities’ is linked to concerns about their potential and actual marginalisation from those decision-making processes that impact their lives.

⁹ Steffek, Kissling and Nanz (2008): 3

¹⁰ Payne and Samhat (2004): 27.

¹¹ Bäckstrand and Lövbrand (2006)

¹² McKeon with Kalafatic (2009): x

¹³ Indigenous peoples’ representative interviewed as part of a recently conducted study on the UN’s engagement with peoples’ organisations expressed their frustration at having to “*transform* themselves into NGOs to accommodate UN terminology or participation rules.” The authors point out that Indigenous peoples are “not non-governmental entities (many have Nation-to-Nation treaties and agreements among themselves and with several Member States of the UN).” McKeon with Kalafatic (2009): 5

¹⁴ Phillips (1995)

¹⁵ This problem is central to MacDonald’s (2008) analysis. Her goal is to construct theoretically rigorous benchmarks to determine at what point ‘affectedness’ translates into the democratic entitlement to participate in the relevant decision-making process. So far, however, civil society practitioners do not appear to have addressed this problem in practice.

II. Categorising NGO responses to participation and representation deficits in international climate politics

My main concern in this paper is to show how international NGOs active in global climate politics respond to the participation and representation deficits outlined in the previous section. The debate around the representativeness and legitimacy of IGOs has, I argue, offered new opportunities for NGOs to present themselves as credible links between the local and the global. The main interest of this analysis lies in investigating the potential for, and the limitations, of NGOs as ‘representatives’ of affected but marginalised communities in global policy-making. However, as the previous section has shown, representation and participation deficits in international institutions are closely linked to the representation imbalances in the formal governance structures of IGOs, and the fact that those affected by particular policies do not have the opportunity to access the relevant levels of decision-making. This section will therefore distinguish between three types of NGO responses to participation and representation deficits in the context of global climate policy: to the uneven representation among governmental participants, to the lack of societal access - beyond governmental actors - to the relevant decision-making processes, before finally turning to the notion of NGOs as representatives of affected communities.

Firstly, NGOs are responding to the debate around representation asymmetries at the intergovernmental level by supporting demands for ‘fair’ representation. The focus here is on the question of weight – how equally are representation rights distributed among the member states?¹⁶ Linked to these procedural concerns is the question of content - what issues are included on the agenda and in the final policies? It is interesting to note that many of the NGO submissions surveyed here include demands for ‘fair’ representation by governments; the NGOs are also concerned with drawing attention to issues that are of particular relevance to underrepresented countries in the negotiations.

While the structure of formal representation within IGOs does not constitute a primary concern for international environmental and development NGOs (although probably more so for the latter), a number of their submissions express support for formal governance structures that strengthen developing countries’ influence. The NGOs are advocating UN-style voting arrangements (one country - one vote) over systems that privilege the economically most powerful countries (such as the governance arrangements of the Bretton Woods institutions, or the G8 or G20). Realising the twin principles of subsidiarity and country ownership in the global climate regime is also seen as crucial for strengthening the voices of countries especially vulnerable to climate impacts. The NGOs present greater process legitimacy both as a key building bloc for a more effective international agreement as well as an ethically desirable end in itself.

Many of the NGO positions also tend to include issues that are considered especially important by developing countries, both as underlying moral principles and as desirable policy outcomes. For example, many NGO submissions to the UNFCCC emphasize the fact that the moral responsibility for climate change lies with industrialised countries and that these countries need to take the lead in cutting emissions. NGOs also support demands for

¹⁶ Koenig-Archibugi (2006): 14

the provision of financial resources and technology transfer to strengthen adaptation measures in those regions of the developing world that are particularly vulnerable to the consequences of climate change. Finally, as pointed out by analysts of NGO influence in climate negotiations, a number of NGOs have offered expertise and information services as direct support for some developing country delegations, as in the case of the close cooperation between FIELD and the Alliance of Small Island States (AOSIS) during the negotiations for the Kyoto Protocol.¹⁷ In this way, NGOs are, to some extent, addressing the problem that capacity and resource shortages can be important reasons for less effective participation by smaller developing countries' delegations in global negotiations.

NGO support for the greater participation by affected local communities at the different levels of policymaking constitutes the second category of NGO responses identified here. In this sense NGOs are pushing for broader societal access to decision-making,¹⁸ beyond, and in co-existence with, the channels for representation through national governments. In the case of climate change, NGOs highlight the impacts of climate change and specific climate change mitigation and adaptation policies on local communities in developing countries and espouse the general principle that those affected should also be given opportunities to participate in policy-making and implementation. They are particularly concerned with protecting the rights and enabling the participation of marginalised and/or especially vulnerable groups, such as indigenous peoples, women and youth. In expressing their support for the direct participation of these groups, NGOs are tapping into the 'stakeholder participation' discourse, which advocates, among other measures, the establishment of 'multi-stakeholder forums', consultation processes, face-to-face meetings with local communities and the creation of independent complaints mechanisms.

A third mode of action, however, through which NGOs are responding to the representation deficits in global environmental governance is by actually engaging in the activity of *representing* particular constituencies. This point may seem counter-intuitive for a number of reasons and, it can be argued, actually stands in conflict with the two categories of responses identified above. Firstly, given that they lack recourse to the primary element of democratic authorisation in the national context – free and fair elections – how can they justify these claims? Secondly, staff members of international NGOs have been accused of speaking for the 'grassroots', often people from developing countries, although they themselves come from very different socio-economic and cultural backgrounds and may lack authentic insights into the specific circumstances and experiences of these communities. As a result, international NGOs may find themselves under attack for being unaccountable, unrepresentative and out of touch with the very communities whose interests they purport to defend in international institutions.

However, this paper argues that the fact that representative claims made by NGOs should not be accepted at face value does not preclude the possibility that they may be engaging in the activity of 'representing' particular constituencies, on particular issues and in specific circumstances, vis-à-vis particular institutions. Adopting this perspective of NGOs as 'representatives' requires us to shift our focus away from the level of interaction between NGOs and international institutions to the level of interaction between the NGOs and those

¹⁷ Newell (2000): 143

¹⁸ Koenig-Archibugi (2006): 14

constituencies they claim to represent. The challenge then becomes to identify “functional equivalents”¹⁹ to authorisation and accountability in the relationship between the NGO in question and the represented constituency. Suggested examples of such forms of authorisation by and accountability to those they claim to represent include membership democracy, network democracy, consultation processes with those represented, some types of self-regulation and ombudsman processes. Provided that these mechanisms reinforce the responsiveness of the NGO to the demands and preferences of a particular constituency, the NGO could argue that it has some ‘mandate’ to represent this constituency on particular issues and in a specific context. The most obvious constituents represented by an NGO in this way are probably its members (organisations and individuals). In this case, the ‘mandate’ of the NGO to speak for its members may be loosely based on the assumption that joining the organisations and/or providing financial contributions already constitutes a form of authorisation, or it may be based on more stringent mechanisms for member control and influence inherent in the organisation’s governance structure. Alternatively, it is also conceivable that an organisation consults with and becomes accountable to groups who are not formally part of the organisation (i.e. non-members). Again, provided that the relationship between these groups and the NGO contains genuine elements of authorisation and accountability, it may be possible to justify the claim that the NGO has a mandate to represent these groups on particular issues. It is important to bear in mind, however, that conceptualising NGOs as representatives of particular communities is not the same as viewing them as passive ‘mouthpieces’ for these communities. The activity of representation always involves a combination of mandate-derived forms of representation (i.e. based on authorisation and accountability) with elements of trusteeship, based on the representative’s own judgement of what constitutes the represented constituency’s best interest.²⁰ Pitkin refers to this as the “mandate – independence controversy”²¹ intrinsic to the concept of representation. However, any form of representation needs to contain at least some element of responsiveness to the represented in order to qualify as democratic representation.

Another challenge lies in the fact that there is no a priori reason why any constituencies that are represented by NGOs in this way should be synonymous with those affected citizens whose marginalisation from the relevant decision-making processes is at the heart of the representation and participation deficits in global institutions discussed earlier. Even where NGOs have implemented these functional equivalents to authorisation and accountability, these may not link them to local communities. In fact, in many ways, NGOs are already accountable to a range of different ‘stakeholders’: their members, their donors, other NGOs, and governments. While it is conceivable that even these accountability relationships are in some way linked to requirements for consulting with local stakeholders, it is important to note that such requirements are far from self-evident and probably constitute the exception rather than the rule. In this paper I am suggesting that international NGOs who are in some way authorised by or accountable to those communities whose marginalisation from global decision-making processes constitute a democratic shortcoming, may be said to contribute to the input legitimacy of the latter.

¹⁹ Castiglione and Warren (2006): 15

²⁰ Pitkin (1967)

²¹ Pitkin (1967): 145

Two further factors need to be taken into account and I will focus on these more closely in sections V and VI of this paper. So far, I have used the term ‘NGO’ rather generically, relying on the broad definition provided in the previous section. It is obvious, of course, that making claims about international NGOs as a single category of actors obscures a huge degree of variance within the NGO community. In fact, there are important differences in how various NGOs engage in all of the activities outlined above. In section V I am addressing some of these discrepancies, selectively highlighting different practices within the NGO community and raising a number of points about how the differences in mission, ideology, governance structure and strategy go some way towards explaining variation in the different responses listed here. Another important factor affecting the potential for NGOs to function as links between the local level and the global level is the institutional and issue context in which they try to do so. One important determinant, for instance, is the extent to which policy solutions are already construed in technocratic or market-based terms. Institutions that are firmly based on acceptance of dominant market paradigm are likely to be less receptive to alternative (market-critical) visions emanating from the local level – and NGOs seeking credibility with these institutions consequently less likely to be putting forward views that fundamentally challenge this paradigm.

III. NGO responses to representation and participation deficits in the context of the UNFCCC

Starting with a brief outline of the modalities of NGO engagement with the UNFCCC, this section tries to apply the three modes of NGO responses to the case of the UNFCCC. Of course, the issues raised here are merely indicative of a much broader and complex debate on the legitimacy of global climate politics, involving questions of moral responsibility, different degrees of vulnerability and affectedness, and resultant demands for developed countries to take the lead in cutting emissions and financing mitigation and adaptation efforts in developing countries. Environmental and development NGOs working with the UNFCCC and its member states need to confront these issues, all the while emphasizing the urgency of the climate challenge and the need for governments to agree on ambitious global action as quickly as possible. While the objective of “limiting human-induced climate change to ecologically sustainable levels”²² is paramount for this group of NGOs, they are conscious of the fact that any steps undertaken to this end must not exacerbate existing global inequalities, and respect and protect the rights of local communities. To what extent these acknowledgements on their part can really amount to a positive contribution to overcoming representation and participation in global climate governance remains questionable.

The fact that the UNFCCC was ‘born’ at the 1992 United Nations Conference on Environment and Development meant that NGOs were able to capitalise on the relatively high levels of civil society visibility and participation associated with the Earth Summit. Article 7.2 of the Convention text stipulates that

“Any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention, and which has informed the secretariat of its wish to be represented at a session of the

²² Mission statement of the Climate Action Network, www.climatenetwork.org

Conference of the Parties as an observer, may be so admitted unless at least one third of the Parties present object.”²³

As of summer 2009, the UNFCCC website lists 1016 organisations with observer status. The organisations hail from almost 80 countries, although the majority are based in North America and Europe.²⁴ They represent a wide variety of actors, ranging from corporate association, universities, other IGOs, to NGOs and community-based organisations. Observer organisations to the Convention have formed themselves into six loose constituencies²⁵: environmental NGOs (ENGOs), business and industry NGOs (BINGOs), local government and municipal authorities (LGMAs), indigenous peoples organizations (IPOs), research and independent non-governmental organizations (RINGOs) and trade unions. Each constituency has one organisation and contact person acting as its designated ‘focal point’; this arrangement is intended to facilitate more effective dialogue between the observer groups and the Secretariat. The UNFCCC Secretariat is careful to point out, however, that participation in a particular constituency is voluntary and neither official nor binding and that it “does not preclude direct communication with the secretariat by any observer organisation, nor does it imply any ‘sovereignty’ over the constituency on the part of the focal point organization.”²⁶ Nonetheless, the list of responsibilities ascribed to the focal points (e.g. providing a conduit for the exchange of official information between their constituents and the secretariat and coordinating observer interactions at sessions, including providing names for speakers list and representation at official functions), indicates that these designated organisations are likely to enjoy more influence than others and get to assume a number of important gate-keeping functions.

Once they have been granted observer status at the Convention, NGOs are able to attend the meetings of the Conference of the Parties (COPs), although in practice - largely due to financial constraints - only a limited number of NGOs are able to send representatives to the sessions. Analysing the influence of NGOs on the Kyoto Protocol to the UNFCCC between 1995-1997, Betsill notes that 40 ENGOs sent representatives to at least two negotiating sessions during that period. Greenpeace, WWF and Friends of the Earth had the largest delegations at these meetings. Although the UNFCCC has some grants available to encourage the participation of Southern NGOs, only a quarter of the attending groups came from the global South and these were often only able to send one or two delegates.²⁷ Accredited NGOs are also permitted to “provide submissions on any agenda item/ topic where submissions from Parties have been requested as notified to Parties following sessions.”²⁸ These submissions are posted on the UNFCCC website and are publicly available from there.

²³ UNFCCC http://unfccc.int/essential_background/convention/background/items/1349.php

²⁴ 211 organisations come from the United States, 100 from Britain, 92 from Canada and 41 from Japan. With a few exceptions (India: 22; Brazil: 17; China: 11), no developing country has more than 10 observer organisations. From the African continent, most organisations hail from South Africa and Ghana (7 each).

²⁵ These include some, but not all, of the nine ‘major groups’ singled out at Rio: farmers, women and youth are not represented as separate constituencies at the UNFCCC.

²⁶ UNFCCC ‘Non-governmental organization observer constituencies’ (undated)

²⁷ Betsill in Betsill and Corell (2008): 46

²⁸ UNFCCC ‘Non-governmental organization observer constituencies’ (undated)

The activities of the ENGO constituency are coordinated by the international secretariat of the Climate Action Network (CAN), the designated ‘constituency focal point’. CAN describes itself as “a coalition of more than 450 environmental and development non-governmental organizations worldwide, committed to limiting human-induced climate change to ecologically sustainable levels.”²⁹ CAN’s member organisations are grouped in regional and country networks, such as CAN Europe, CAN South Asia, CAN South Africa, CAN United States, CAN Eastern Europe and Eurasia and others. CAN produces submissions on most of the issues under discussion in the COPs, although its members also submit their own position statements and recommendations. The organisation also produces a daily newsletter called ‘ECO’ during the COPs, which offers a civil society perspective and critical commentary on the climate negotiations, complementing the focus on the inter-governmental discussions provided by the IISD’s Earth Negotiations Bulletin. ‘ECO’ serves the dual purpose of providing information about the climate negotiations and governments’ positions to concerned citizens and civil society organisations, while also trying to put pressure on delegates directly, mainly through a moral carrots and sticks approach (e.g. siding with governments in favour of climate friendly policies while awarding ‘fossil of the day’ awards to those whose actions are seen as undermining progress). Occasionally, representatives of CAN are permitted to take the floor during the COPs to make spoken interventions. In practice, however, most of the lobbying by CAN’s member organisations takes place informally in the corridors or in their respective home countries outside the official COP sessions.³⁰ The focus of my analysis here is primarily on the written statements put forward by CAN³¹ due to its prominent position within the UNFCCC NGO community; however, I have also included the separate submissions by individual environmental and development NGOs (such as WWF, Greenpeace International, Friends of the Earth International) and other NGO networks working on climate change (e.g. Ecosystems Climate Alliance). Following the distinction employed by the UNFCCC and other international conventions, I have treated Indigenous Peoples’ Organisations as a separate category, and have accepted them as ‘descriptive representatives’ of particular local communities.³²

As a UN Convention, the UNFCCC system of representation corresponds to the one state - one vote arrangement. As such, the formal allocation of votes among countries proves less problematic from the viewpoint of democratic legitimacy than alternative arrangements based on financial contributions or economic power that are used, for example, in the International Financial Institutions. However, the question of governance with respect to the post-Kyoto framework, particularly in relation to financing for mitigation and adaptation in developing countries, is yet to be settled.³³ The submissions to the UNFCCC by environmental and development NGOs include many references to the need to ensure ‘fair’ representation for developing countries in any new or revised institutions. NGOs tend to link these demands to the argument that poor developing countries are most likely to suffer

²⁹ www.climatenetwork.org

³⁰ Interview with board member CAN Europe

³¹ In its official submissions to the UNFCCC and the ECO newsletter

³² I have not subjected the assumption of “shared identity” between IPOs and the IPs they claim to represent to any critical scrutiny and can therefore not exclude the possibility that groups claiming to be constituted of indigenous peoples or have very close ties to these communities are in fact somewhat detached from the grassroots themselves. This concern was also raised by an NGO practitioner interviewed for this paper.

³³ Mueller (2009)

the negative impacts of climate change without having contributed to the current levels of GHGs in the atmosphere.³⁴ Besides this normative justification (i.e. better representation as a precondition for achieving global justice), NGOs also employ the rationale of effectiveness, arguing that institutions and associated agreements, that are accepted as legitimate by developing countries, are more likely to succeed in promoting a shift towards low-carbon development.

NGO submissions concerned with the institutional design of climate governance mechanisms (e.g. the governing or executive boards of climate funds) tend to emphasize the requirement for adequate representation by developing countries. For instance, a number of ENGOs have developed a detailed outline of what a future Copenhagen agreement should look like (submitted in the form of a draft treaty).³⁵ They stress that the governance structure of the proposed Copenhagen Climate Facility “should reflect a democratic decision-making structure with an equitable and balanced regional representation, ensuring significant representation from developing countries.”³⁶ Moreover, “(s)ecuring the representation of the most vulnerable countries should be a priority, as they will be most impacted by unchecked climate change.”³⁷ Similarly, WWF’s proposal for Technology Action Programs envisages an Executive Board of Technology “with balanced representation of developing and developed countries.”³⁸ There is some – perhaps deliberate - ambiguity regarding the precise meaning of “balanced” or “equitable” in these submissions. As pointed out in a footnote in CAN’s position paper on the principles for climate finance, the fact that “there are 41 Annex-I countries and 151 non-Annex-I countries” means “a developing country majority is more equitable than an equal distribution between AI and non-AI countries.”³⁹ A group of development NGOs is also more explicit in their proposal for a UN Climate Fund, whose Executive Board should operate on the basis of the “one country one vote rule and a majority representation for non-Annex 1 countries”⁴⁰ CAN, in its ECO newsletter, applauds the already agreed (but not yet operational) Adaptation Fund of the Kyoto Protocol, which “scores a first in representative governance”, mainly because of the fact that the Fund’s Board has majority representation from developing countries.⁴¹ The governance of the Adaptation Fund is considered exemplary and held up as a template for the design of other climate funds.⁴²

The NGO submissions also endorse the twin principles of country ownership and subsidiarity in policy-making and implementation in order to enhance opportunities for participation and maximise the effectiveness of climate action.⁴³ The idea of so-called “in-country coordinating mechanisms” is modelled on similar mechanisms employed by the

³⁴ CAN argues that developed countries have special obligations to provide technological and financial resources to developing countries as a result of their “historical and ongoing responsibility for climate change.”

³⁵ Submission (joint) by Greenpeace, WWF, Germanwatch, David Suzuki Foundation, Indycat and NECU. 6 June 2009

³⁶ Ibid

³⁷ Ibid

³⁸ WWF submission

³⁹ CAN Finance Position Paper, Principles for Climate Finance under the UNFCCC, September 2009

⁴⁰ Christian Aid on behalf of APRODEV. 25 June 2009.

⁴¹ ECO 31 March 2009, issue 3, vol. CXVII

⁴² CAN Finance Position Paper, Principles for Climate Finance under the UNFCCC, September 2009

⁴³ CAN Finance Position Paper, Principles for Climate Finance under the UNFCCC, September 2009

Global Fund to Fight Tuberculosis, AIDS and Malaria.⁴⁴ In the context of the UNFCCC they are presented as a way of facilitating “a country-driven process, representing all relevant stakeholders, particularly the most vulnerable communities, ensuring a bottom-up approach to identify adaptation needs on local, sub-national and national levels.”⁴⁵ Similar to this is the proposal for the creation of “Multi-Stakeholder National Groups” as national implementing partners for the UNFCCC. The ICCM proposals bring together two modes of responses to the alleged representation and participation deficits in global climate governance outlined in section two of this paper. They are intended to address representation and participation failings at the intergovernmental level (by giving developing countries a greater say in how funding, particularly in the context of adaptation, is to be allocated and used nationally), but also firmly endorse the principle of stakeholder participation.

Interestingly, despite expressing their support for the principle of subsidiarity in the UNFCCC context, the NGOs submissions analysed here contain hardly any explicit references to the role of sub-national entities or cities in the global climate regime. Local governments and municipal authorities present a separate constituency group and in their own submissions demand a more substantial formal role for cities and local authorities in the UNFCCC. Besides their broad calls for the participation of all relevant stakeholders at all levels of decision-making, the environmental and development NGOs do not appear to attach much priority to supporting these demands. This is noteworthy, given that “by 2030, two thirds of humanity will live in urban centres where more than 73% of all energy is consumed today.”⁴⁶ Besides the fact that actions taken by cities and other sub-national actors already present an important contribution to global mitigation and adaptation efforts, these sub-national levels of governance present potentially valuable opportunities for facilitating the participation by locally affected communities in the politics of climate change.

As the proposals for establishing in-country coordinating mechanisms “representing all relevant stakeholders” already indicate, besides expressing their support for better representation by developing country governments, NGOs are also actively promoting the principle of stakeholder participation at all levels of decision-making. In their submissions, NGOs accept that stakeholders include “the government, technicians, representatives of the business community” but also tend to emphasize that the participation of those who are especially affected or vulnerable, notably marginalised communities, indigenous peoples, women and youth should be prioritised. Ensuring the participation of stakeholders in national decision-making processes linked to the UNFCCC is considered vital. CAN, for example, argues that “National Adaptation Plans or Strategies should be prepared with the full involvement of civil society, vulnerable communities, and the private sector”⁴⁷ and that:

⁴⁴ <http://www.theglobalfund.org/en/ccm/guidelines/?lang=en>

⁴⁵ CAN ‘An adaptation action framework for the Copenhagen agreement’, ‘Position on technology and sharing’. 24 April 2009.

⁴⁶ Local Government Climate Roadmap ‘Submission of ICLEI for inclusion in the negotiating text of the Long-Term Cooperative Action under the Convention (24 April 2009): 2

⁴⁷ ECO 31 March 2009, issue 3, vol. CXVII

“It is imperative that the most vulnerable people, who have contributed least to climate change but are most affected by it, are at the heart of decision-making about adaptation and risk management.”⁴⁸

A number of references indicate that some NGOs are in favour of applying mandatory standards for stakeholder participation, social and environmental impact assessments and third party complaints mechanisms to national climate change mitigation and adaptation action. Such standards would be developed and agreed internationally, and implemented in the domestic context. The Guidelines developed by the World Commission on Dams (although non-binding) are often cited as an example of best practice, which could serve as a template for similar guidelines in the context of climate policy. While making the adoption of these principles a pre-condition for funding eligibility may appear as an effective way of encouraging public participation in national climate policy-making, the proposals risks alienating those governments who consider the imposition of such standards as an interference in domestic political processes, or as an example of internationally imposed conditionality. This problem became apparent during the debate on formulating mandatory standards for participatory impact assessments and independent appeals mechanisms in CDM projects, whereby “(d)eveloping country governments opposed the imposition of all such protections, arguing that as sovereign states they alone would design CDM national processes.”⁴⁹ Another problem with relying on standardised participation mechanisms in the domestic context lies in the fact that some of the most affected communities are often marginalised from domestic political processes for a host of wider economic and socio-cultural reasons. Capacity building and the recognition of cultural, political and economic rights are hence important elements of democratic participation.

Besides expressing support for multi-stakeholder processes in the national context, NGOs are also emphasizing the need for participation by particularly affected groups, especially indigenous peoples, at the international level, namely in the UNFCCC directly. In order to achieve this they are calling on Parties to “create means by which indigenous peoples are directly represented in the climate negotiation process.”⁵⁰ The participation practices employed by the UN Convention on Biological Diversity (CBD) and the UN Convention to Combat Desertification (UNCCD) are repeatedly referred to as instances of good practice that the UNFCCC should also adopt. More specifically, indigenous peoples should have the “right to speak directly to texts under negotiation and to participate in contact groups and friends of the chair meetings where matters (like forests and related issues) may affect them.”⁵¹ Parties should also be encouraged to include representatives of indigenous peoples and local communities in their official delegations.⁵²

In the previous section I also suggested a third category of NGO responses to representation and participation deficits in global climate governance: the idea that NGOs themselves may engage in representing particular groups. Seen from a democratic

⁴⁸ ECO 4 December 2008 (Poznan meeting), issue 4, vol. CXVI

⁴⁹ Fogel (2004): 113

⁵⁰ Climate Law and Policy Project. 16 February 2009.

⁵¹ Forest Peoples Programme. 16 February 2009.

⁵² Friends of the Earth International. 16 February 2009.

perspective, these representative claims need to be linked to some form of authorisation and accountability to the represented; they must not simply be based on a ‘expert’ judgement of what outcomes are in the represented group’s best interest. Focussing only on the level of interaction between NGOs and the UNFCCC is therefore not sufficient if the aim is to identify elements of authorisation and accountability between NGOs and those they claim to represent. Adopting this particular perspective requires a closer look at a secondary level of interaction: namely that between the NGOs and those constituencies. It also necessitates greater awareness of the diversity within the NGO community and the different approaches, structures and practices used by different organisations to relate to those they claim to represent. At the same time, unless the NGOs in question link the input gathered from their constituents to the positions they advance in international organisations, these authorisation and accountability practices employed by the NGOs vis-à-vis their constituents have no bearing on questions of representation and participation deficits at the level of international organisations. The points raised here are merely exploratory and more empirical research is warranted to build a thorough understanding of how forms of authorisation by and accountability to particular constituents are used by different international NGOs to represent these groups in the climate negotiations.

One of the most obvious – and generally least contested - constituencies represented by NGOs and NGO networks are their members (organisations and individuals).⁵³ In fact, besides the strategic benefits gained from sharing knowledge and expertise and coordinating campaign work, the legitimacy derived from their claim to represent a broad constituency of like-minded members probably constitutes one of the most important *raison d’être* of transnational NGO coalitions and networks. This is certainly true for the Climate Action Network:

“CAN enjoys a collective global membership of 20 million people (ECO, issue 6, August 1994).⁵⁴ This forms the basis of CAN’s claim to speak for a constituency beyond its own organisation alone, to represent the public interest to a greater degree than other non-state actors.”⁵⁵

In fact, CAN’s membership has expanded rapidly over recent years: in 2002 it consisted of 333 member organisations, while the latest publication available on the website now refers to over 460 member organisations.⁵⁶ This considerable growth in membership can itself be seen as a form of authorisation⁵⁷, strengthening not only the legitimacy of the network but also its influence with governmental delegates. Through their claim to represent a large concerned public, “environmental NGOs attempt to demonstrate to governments that courses of action that widely deviate from what is expected will be unpopular, thereby providing an incentive for states to take action.”⁵⁸

⁵³ Van Rooy (2004)

⁵⁴ Although this is likely to have been only a very rough estimate at the time, due to the large increase in member organisation since the 1990s, the actual number of individual members linked to CAN via its member organisations will have grown substantially since.

⁵⁵ Newell (2000): 128

⁵⁶ CAN Principles of Climate Finance

⁵⁷ Castiglione and Warren 2006)

⁵⁸ Newell (2000):

CAN relies largely on the structure of its network to support its claim to represent its members. CAN members are autonomous organisations, who, when they decide to join CAN, are asked to also become member of their national and regional nodes (in fact, they apply for membership to their regional node). ‘Nodes’ are associations of CAN members in a particular country or group of countries. National and regional nodes are expected to have their own governing bodies, “based on principles of accountability to its members and transparency.”⁵⁹ Strategic or policy decisions at the international level are taken by consensus, which has to include a large majority of national and regional nodes as well as most of the representatives of the international member NGOs with offices in more than 20 countries.⁶⁰ Of course, as is the case for most horizontal networks similar to CAN, resource, language and geographic differences among members are likely to constitute practical challenges to equal participation.⁶¹ Power differences are also evident in the fact that CAN Europe and US-CAN maintain permanent offices with full-time staff in Brussels and Washington respectively, whereas most of the other regional coordinators are dividing their time between their own NGOs and the work for CAN.⁶² Nonetheless, the network is aware of these potential problems. The Secretariat is charged with ensuring “sufficient voice from the developing world” when organising global meetings and making the funding arrangements⁶³ and has appointed a designated ‘Southern Capacity Programme Coordinator’.

While more in-depth research is needed, especially on the practical challenges to achieving equal participation in network decision-making, this rough sketch of CAN’s network structure allows us to make a number of preliminary points about how CAN’s claims to represent a large constituency of members could be rooted in forms of authorisation by and accountability to these groups. The relatively horizontal decision-making process used by the network shows that decisions (relating to strategy, policy and the content of submissions made at the international level) depend on the broad support of the individual member groups, organised in national and regional nodes. Although CAN’s charter sets out very detailed processes to address and try to resolve conflicts between members, individual groups who find themselves consistently in conflict with the network’s decisions have the ultimate option to leave. On the other hand, the emphasis on reaching consensus constitutes a relatively strong form of authorisation – any submissions made by CAN at the international level are likely to enjoy a strong backing by its members, and are not just endorsed by a narrow majority.

The question of whether through representing such a wide membership base CAN is also engaging in the representation of affected communities who risk being marginalised in the global policy-making processes remains open. At least part of the answer lies in a more in-depth analysis of the relations between the regional nodes and the national nodes, the national nodes and the individual member organisations and – in the last instance – the relations between member organisations and the affected communities themselves. Given the huge diversity and relative independence of CAN’s member organisations, it would

⁵⁹ CAN Charter

⁶⁰ CAN Charter

⁶¹ Duwe 2001, Doherty 2006

⁶² Duwe 2001: 179

⁶³ CAN Charter

certainly be hard to identify clear and consistent patterns across the network. This is not just a matter of theorising: the issue of how to determine whether smaller member organisations are really accountable to and representative of a wider constituency, or just an example of 'My Own NGO' constitutes a practical challenge for any large NGO network.⁶⁴ While these concerns need to be taken seriously, the fact that potential candidates for membership need to apply to their regional nodes, who are required to consult with the respective national node before approving the membership request, provides at least an element of peer control.

IV. NGO support for the participation of indigenous peoples and local communities in decision-making on the REDD mechanism

One of the issues, which has triggered much NGO lobbying at the UNFCCC over recent years has been the question of how to avoid emissions from deforestation. The creation of an international mechanism for 'Reducing Emissions from Deforestation and Degradation' (REDD) constitutes one of the work areas of the Bali Action Plan. The objective is to develop internationally accepted methodologies for REDD credits, which are expected to play an important role as part of the post-2012 climate agreement. The case of REDD is a good example of international policymaking with potentially very serious impacts on local communities, especially forest-dependent indigenous peoples. So far, however, these affected communities have not been given any formal opportunities to contribute to the negotiations about a future agreement on REDD. Indigenous peoples' representatives expressed their frustration with their exclusion from the climate negotiations in Bali in 2007, when they staged protests and wore gags with the letters 'UNFCCC' written on them.⁶⁶ The case of REDD therefore presents a highly relevant example of how international NGOs have responded to concerns over participation and representation deficits in a specific instance of climate related policy-making and of their proposed solutions.

The need for recognising and respecting the rights of indigenous peoples and other local communities, together with calls for securing their participation in the decision-making on REDD-related policies, features prominently in the relevant NGO submissions to the UNFCCC. NGOs argue for the inclusion of participation norms and principles in the design of the REDD mechanism, pointing out that these norms are already set out in a range of international instruments and included in other international environmental agreements and conventions, such as the Convention on Biological Diversity. They also outline some of the more specific modalities through which the participation of indigenous peoples and local communities may be ensured at the various levels of REDD decision-making: for example, through participatory mapping of land tenure rights, provisions for social and environmental impact assessment, and the establishment of independent complaints mechanisms. In addition, NGOs are putting forward a number of substantive demands which are of great importance to indigenous peoples: the recognition of their rights to traditional lands,

⁶⁴ Interview with Executive Direction of ANPED

⁶⁵ These issues are also less relevant the more research-based organisations among CAN's members', which focus on providing technical input and expertise.

⁶⁶ http://www.newconsumer.com/news/item/indigenous_peoples_protest_at_bali_conference/
<http://bsnorrell.blogspot.com/2007/12/indigenous-barred-from-un-climate.html>
<http://climateandcapitalism.com/?p=274>

territories and resources and ways of life, compensation for ecological services provided by indigenous communities and guarantees that local communities get to benefits from the REDD proceeds.

CAN stresses that “any approach to REDD must ensure full and effective participation by indigenous peoples and local communities in all stages of decision-making.”⁶⁷ Provisions for participation within the UNFCCC should be modelled on those employed by the Convention on Biological Diversity and the UN Permanent Forum on Indigenous Issues.⁶⁸ The parties are called upon to integrate the specific principles set out in the UN Declarations on the Rights of Indigenous Peoples (UNDRIP) into the REDD mechanism. These include – most crucially – the right to free and prior informed consent (FPIC) and the right to participate in decision-making on matters that affect them, but also the recognition of their rights to their traditional lands and the right to seek redress.⁶⁹ NGOs advocate the inclusion of indigenous peoples and local communities at both the level of international decision-making as well as within those countries that decide to implement REDD projects. Internationally, participation should be facilitated in “all relevant workshops, meeting and submissions on REDD methodologies” and “Parties should be encouraged to include representatives of indigenous peoples and local communities in their delegations.”⁷⁰ Furthermore, indigenous peoples “must be afforded a formal structure within the UNFCCC negotiation process that not only allows for the full, direct and active participation of indigenous peoples but also provides funding and support for this participation.”⁷¹ At the national level, NGOs “recommend the establishment of national multi-stakeholder REDD groups, involving rights holders and stakeholders, particularly indigenous peoples, local communities and civil society, to engage in REDD ‘readiness’, including developing national REDD plans and systems for monitoring and verification.”⁷² They also argue that “(m)apping and clarifying land tenure and rights to land, territories and resources in a participatory manner must be a prerequisite for establishing REDD schemes” and that REDD projects need to be accompanied by participatory social impact monitoring⁷³ and include conflict resolution mechanisms that are accessible to local communities.

While most of the NGO submissions consistently link “indigenous peoples *and* local communities”, the identity of these non-indigenous communities remains unspecified. Moreover, the frequent references to the UN Permanent Forum on Indigenous Issues and the UN Declaration on the Rights of Indigenous Peoples as appropriate guidelines for developing participation norms and mechanisms within REDD also indicate that the primary concern lies with protecting the rights of indigenous peoples specifically. It is, however, not unreasonable to suggest that REDD will also impact other local communities who do not identify themselves as ‘indigenous’ and whose interests may in some cases even conflict with those of indigenous peoples in the area. For example, one group, which does

⁶⁷ Climate Action Network. 18 February 2009.

⁶⁸ Ibid

⁶⁹ United Nations General Assembly, Declaration on the Rights of Indigenous Peoples, adopted 13 September 2007

⁷⁰ Friends of the Earth International. 16 February 2009.

⁷¹ Coordinating Body of Indigenous Organisations of the Amazon Basin. 20 February 2009.

⁷² Global Witness on behalf of the Ecosystems Climate Alliance. 11 February 2009.

⁷³ Climate Action Network. 18 February 2009.

not appear to be engaged in the UNFCCC processes at all, are small-scale farmers, although climate change issues and agriculture are intimately related. The emphasis in the NGO submissions on the need to ensure the participation of *indigenous peoples* as opposed to other potentially affected communities suggests perhaps that NGOs are likely to be particularly responsive to the demands of groups who have already succeeded in achieving a level of political mobilisation and visibility.

The NGO positions on REDD mirror many of the demands raised by indigenous peoples' organisations (IPOs) themselves, in both their own submissions to the UNFCCC and in indigenous peoples' declarations on climate change and forest policies.⁷⁴ These similarities may be largely because the *language* of participation has by now reached the highest levels of policy-making in the context of climate change and is increasingly becoming accepted as part of the dominant elite discourses on climate change.⁷⁵ A comparison of the NGO positions as outlined in their UNFCCC submissions and the submissions made by IPOs shows significant overlap in the procedural principles espoused, such the issue of FPIC, participation at all levels of decision-making, and independent redress mechanisms.

Although the support for participation rights by indigenous communities is found across the NGO community, there are important differences when it comes to more fundamental worldviews. The IPOs tend to emphasize the larger political and economic context constraining the struggle for their rights. They highlight their experience of historical exploitation and racism at the hand of governments and corporations and present the recognition of their rights (i.e. the recognition of indigenous peoples as rights-holders and not as stakeholders) as the essential pre-requisite for their participation in any REDD-related processes: "Indigenous peoples' rights and resource rights must be recognised prior to the inclusion of our lands, territories and forests in REDD schemes."⁷⁶ Moreover, many indigenous peoples organisations reject market-based solutions such as carbon trading, the CDM and REDD in principle⁷⁷ and present their own relationship to Nature and "unique 'global' and 'social' knowledges"⁷⁸ as viable alternatives of human-nature co-existence:

"IPFCC continues to oppose the commercialisation and commodification of forests and recommends that Parties and other key actors to be educated to understand the different, holistic world view of indigenous peoples and to understand the different values that forests have for indigenous peoples and for humankind."⁷⁹

While many environmental NGOs share this sceptical view of markets and are open to alternative paradigms, such as that put forward by indigenous peoples (FoEI for example), others take an opposite stance, as exemplified here in the submission by The Nature Conservancy:

⁷⁴ Anchorage Declaration, Indigenous Peoples' Global Summit on Climate Change

⁷⁵ Bäckstrand and Lövbrand in ed Pettenger (2007)

⁷⁶ International Alliance of Indigenous-Tribal Peoples of the Tropical Forests. 9 February 2009.

⁷⁷ Anchorage Declaration, Indigenous Peoples' Global Summit on Climate Change

⁷⁸ Fogel 2004: 118; also see discussion by Smith in ed Pettenger

⁷⁹ International Alliance of Indigenous-Tribal Peoples of the Tropical Forests. 9 February 2009

“The Nature Conservancy supports a system of financial incentives, carbon credit markets and technical assistance that would allow developing nations to generate the funds needed to conserve forests, reduce emissions, protect biodiversity and improve local livelihoods.”

The conflicting attitudes over what constitute appropriate policy and governance mechanisms to deal with global environmental problems such as climate change constitute a major divide within the NGO community and are likely to affect what type of voices they choose to represent at the international level. The next section will address this issue in more detail.

V. Friends of the Earth International – turning their back to the global?

The analysis so far has treated the environmental and development NGOs engaged with the UNFCCC as a largely homogenous community and has focussed on identifying common responses and positions. Of course, as the discussion of REDD has already shown, this is a simplification, which obscures a huge degree of diversity between these groups, their priorities and ideals, and the extent to which they rely on links to local communities. The purpose of this section is therefore mainly to acknowledge the need to pay attention to these variations and to identify some of them as areas for further research on what I have previously referred to as the “second level of interaction” between NGOs and their constituencies. Moving away from the focus on CAN, I have chosen the World Wide Fund for Nature (WWF) and Friends of the Earth International (FoEI) as two examples of large and influential ENGOs active on climate change (both of them have also played important roles within CAN), who nonetheless differ considerably in their ideological underpinnings and in the way they engage with their members and with local communities. My objective is to understand how these differences impact on the NGOs’ representation of particular constituencies in international organisations, especially with respect to the representation of potentially marginalised communities.

Alcock proposes a framework for the characterisation of ENGOs based on three main values: ecological sustainability, economic efficiency and distributive equity.⁸⁰ While some support for the value of ecological sustainability is a common characteristic of all ENGOs, conflicts within the ENGO community exist mainly between those that adopt sustainability together with economic efficiency as their primary values and those that link sustainability to equity concerns. FoEI squarely belongs to the latter group and has adopted an environmental justice approach as the central leitmotif for its work. WWF, on the other hand, can be found on the “sustainability-efficiency interface”, as evidenced by its willingness to work with corporate actors, the focus of its macroeconomics programme, and the support for self-regulatory initiatives such as the FSC and the MSC. Radical equity concerns do not really feature prominently in WWF’s mission or conservation strategy. These ideological differences are also reflected in the different local voices these organisations claim to represent in global politics and the mechanisms through which they validate these claims.⁸¹

⁸⁰ Alcock (2008)

⁸¹ The reverse also holds in the case of FoEI: the network structure and the decision-making processes strongly reinforce an ideological consensus in which equity values feature prominently.

WWF was born as a 'traditional' conservation organisation in 1961, focussing initially on the protection of particular high-profile species. The thinking on conservation has, however, evolved considerably within the organisation since the 1960s, in line with the development of new ideas about how best to promote conservation and environmental protection among the broader environmental/ conservation community.⁸² WWF prides itself on being the first major conservation to formally recognise the rights of indigenous peoples in 1996;⁸³ the organisation is also actively trying to implement principles of stakeholder participation across its programmes and projects.⁸⁴ A survey of some of WWF's international policy documents shows that WWF also routinely includes call stakeholder participation, often specifically referring to local communities and indigenous peoples.

It is not clear, however, to what extent this concept of stakeholder participation has been 'scaled up' to the level of strategic policy-making within the organisation and whether the input from the local level is also used to shape WWF's positions at the international level.⁸⁵ According to Jeanrenaud, the adoption by WWF of the term 'community conservation' was not only a response to feedback from the field but also "to pressure to include the label in project proposals to donors because, post-UNCED, it was becoming increasingly important for fundraising purposes."⁸⁶ She also argues that changes in conservation thinking over recent decades do not amount to a radical transformation of the agenda but that, "mainstream conservation discourses have been reworked in less radical ways, framing people as 'a resource' for conservation as defined from above."⁸⁷ The organisation's focus on fund-raising – largely targeted at individual supporters – appears to sometimes create a number of conflicts between the need for clear public messages and more complex requirements of a multi-level approach to sustainable and community-driven conservation success. These financial imperatives can become obstacles to "alternative representations of people/nature relations and social interests."⁸⁸

The relative absence of grassroots voices at the strategic level of policy-making is exacerbated by the fact that WWF's largest and most influential national organisations tend to operate very independently and are all based in Northern countries. Commenting on WWF UK, Rootes writes that as a "branch of a centrally organised international NGO enjoying unparalleled access to political elites, with much of its activity comprising large-budget projects in less-developed countries, often in partnership with government agencies and latterly with large corporations, WWF has been relatively insulated from grassroots pressure."⁸⁹ The fact that the links to these powerful actors are of central importance to WWF's strategy ("you can't bake a cake if you're not in the kitchen"⁹⁰), also means that the organisation is unlikely to identify too closely with local voices challenging these elite

⁸² Jeanrenaud (2002)

⁸³ 'Foreword' in Springer and Alcorn (2007)

⁸⁴ WWF Standards of Conservation Project and Programme Management (Version: 09 February 2007); WWF, 2005, Cross-Cutting Tool: Stakeholder Analysis. Resources for Implementing the WWF Standards

⁸⁵ Interview with WWF UK staff member

⁸⁶ Jeanrenaud (2002): 113

⁸⁷ Jeanrenaud (2002): 117

⁸⁸ Jeanrenaud (2002): 119

⁸⁹ Rootes (2007):

⁹⁰ http://www.panda.org/what_we_do/policy/

discourses.

On its website, FoEI introduces itself as the “world’s largest grassroots environmental network.” FoEI distinguishes itself from other prominent international environmental NGOs such as Greenpeace International and WWF International both through the particularly democratic and participatory nature of its internal decision-making processes and its relatively radical agenda. Its approach is firmly anchored within the ‘environmental justice’ tradition of environmental thought; it actively opposes neo-liberalism in all its guises and treats environmental progress as inextricably linked to social justice, human rights and the empowerment and participation of marginalised communities. In 2004 the network started to undergo a “strategic visioning and planning process” designed to “address issues such as solidarity, alliance building, political differences, decision-making, internal leadership, identity and participation.”⁹¹ In 2005 this process led the network to adopt a new mission statement. The new mission statement consists of six principles that demonstrate clearly the central importance of environmental justice to the values espoused by FoEI. In fact, only one of the six principles is devoted to purely ecological objectives (“halt and reverse environmental degradation and the depletion of natural resources”), while all others emphasize social justice, the need for societal change, democratic empowerment, grassroots participation and solidarity.

The international network subsequently also embarked on the development of a new strategic plan through a process described as “bottom-up, inclusive and participatory” and “based on our engagement at the local level and with grassroots communities.”⁹² The new strategic plan consists of four key strategic themes for the next ten years: “mobilise”, “resist”, “transform”, and “strengthen Friends of the Earth International”. The objectives covered by these themes include “to continue the gradual shift of our network towards a truly grassroots environmental movement” and expanding links with other social movements (‘mobilise’), the grounding of all work in local realities while using influence at the international level to challenge the global economic system (‘resist’), promoting more sustainable production and consumption patterns (‘transform’) and building the capacity of member groups at all levels (‘strengthen Friends of the Earth International’).

One interesting consequence of this internal process of prioritising its relationship to the grassroots has been a shift of focus away from international institutions. In becoming more participatory and committed to local voices, FoEI has also become more radical in its opposition to dominant institutions and seems to be distancing itself from pursuing direct engagement with state elites, market players and many international organisations. The website states that “(o)ur participation in international fora will thus become secondary to our resistance work”. This stance contrasts with earlier depictions of FoE’s strategy; Wapner, for example, locates the activities of FoE at the “intersection between national and international processes” and describes how the organisation lobbies state officials directly, promotes more responsible corporate practices (through its involvement in CERES for instance), and tries to influence international institutional structures.⁹³ Judging from more

⁹¹ 2004 Friends of the Earth International Annual Report: 3

⁹² Ibid

⁹³ Paul Wapner (1996)

recent analyses of the network⁹⁴ and from the way FoEI portrays itself in its own words, this characterisation needs to be at least partially revised.

This observation, however, raises many new fascinating questions. Rather than acting as the frequently portrayed link between the 'local and the global', are NGOs in fact forced to choose between the two levels? Does the concept of NGO as 'intermediaries' between local communities and international organisations only work if the interests, preferences and values of these local communities do not fundamentally challenge the dominant paradigms which shape the policy solution that are under consideration in the international organisations? And to what extent does the institutional setting NGOs are trying to influence matter? Of course, the articulation of a grassroots-based resistance to economic globalisation is unlikely to prove very fruitful 'within' those international economic institutions that are promoting the very norms that FoEI seeks to challenge. This may, however, not be as much of an issue in other, less contested, international organisations that are more open to alternative visions emanating from the local level.

The two cases of WWF and FoEI show that any generalisations about the activities and claims made by environmental NGOs have to be taken with a pinch of caution. It would be simplistic to suggest that FoEI is more 'representative' of marginalised communities than WWF but it is important to bear in mind that the potential for representation of local communities by international NGOs is strongly conditioned by normative, ideological and structural factors. Still, in the case of the UNFCCC, the interesting point is perhaps that the two organisations do not differ much in the first two categories of NGO responses discussed earlier (their stance on governmental representation and community participation). Both WWF's and FoEI's submissions include many of the same procedural demands for better representation by developing countries, country ownership, and stakeholder and community participation at the relevant levels of decision-making. The more fundamental differences are again of an ideological nature and relate mainly to their respective acceptance of and opposition to elites discourses (specifically their attitude towards market-based solutions). This may also go some way towards explaining why, in 2008, FoEI decided to leave CAN for 'ideological' reasons.⁹⁵

VI. Discussion and new questions

This paper has investigated three types of ENGO responses to the perceived participation and representation in the UNFCCC: their support for more balanced systems of representation at the intergovernmental level; support for the direct participation of affected communities in the relevant instances of policy-making; and the notion that they themselves are representing affected but marginalised communities.

The first type of NGO interventions discussed relates specifically to the inter-governmental nature of the decision-making processes. By highlighting the need for formal representation structures that give sufficient voice to particularly affected and vulnerable countries, by drawing attention to issues that are of particular concern to these countries, and by providing practical support and expertise to certain delegations, the NGOs are to some extent seeking

⁹⁴ Doherty (2006), Rootes (2006)

⁹⁵ Interview with CAN Europe Board member

to address obstacles to the effective representation by governments of their citizens in international forums. Intergovernmental channels for representation are also strengthened through the principles of country ownership and subsidiarity. Of course, the solutions put forward by NGOs in this respect do not address potential democratic shortcomings at the domestic level which mitigate against an effective upward ‘transmission’ of citizens’ (as ultimate principals) preferences to the international level. They fail, for instance, to take account of the fact that the quality of democratic institutions varies widely across different countries and that certain communities –often the poorest and vulnerable groups – risk being marginalised or excluded from domestic political processes.

It is not necessarily immediately obvious why international environmental NGOs are concerned with the input legitimacy of intergovernmental policy-making, rather than just the output legitimacy or effectiveness. It is noteworthy that NGOs link their arguments for better representation by particular governments mainly to the criteria of *vulnerability*. Parties to the Convention have agreed that the group of Least Developed Countries (LDCs) and Small Island Developing States (SIDS) are particularly vulnerable to the impacts of climate change. These countries are also arguing that the proposed target of a 2 degrees increase in global average temperature carries too large a risk of catastrophic impacts and that more ambitious targets are needed. As such, they make good strategic allies for the constituency of environmental NGOs trying to raise expectations of what would constitute an acceptable outcome at the international level.

Another important factor is the influence of Southern groups within the environmental and development NGO community and their impact on the broader NGO discourse on climate change, through drawing more explicit connections between environmental issues and broader economic and political factors. This is well illustrated in the case of CAN, whose growing constituency of Southern member groups has pushed for more emphasis on the equity aspects of climate politics in CAN’s policy statements.⁹⁶ While demands for compensating developing countries for the harmful impacts of climate change or the recognition of historical emissions are different from demands for ‘fair’ representation by countries, the latter are important for establishing legitimate channels through which specific rights and obligations may be claimed or contested. The fact that CAN has increasingly adopted both procedural as well as equity demands in its policies is, however, regarded critically by some members who lament that “CAN has become a support organisation for the G77” and argue that the focus on financial transfers to developing countries diverts attention from the pressing need to reduce global emissions as rapidly as possible.⁹⁷

Calls for the participation of affected stakeholders at all relevant levels of decision-making constitute another important element of the NGOs submissions to the UNFCCC. This language reflects a broader ‘participatory turn’ in environment and development thinking,⁹⁸ which is also slowly becoming apparent in climate politics.⁹⁹ The notion that adversely affected citizens should be accorded a stake in the formulation and implementation of environmental policy forms part of what Bäckstrand and Lövbrand classify as the discourse

⁹⁶ Duwe 2001

⁹⁷ Interview with CAN Europe Board member

⁹⁸ Jeanrenaud (2002)

⁹⁹ Bäckstrand and Lövbrand (2006)

of ‘civic environmentalism’.¹⁰⁰ While they point out that international climate change policy is perhaps better characterised by a technocratic expression of an elite-driven ‘green governmentality’¹⁰¹, Bäckstrand and Lövbrand also point to the emergence of a “reflexive version of green governmentality”. While still a long way from civic environmentalism, this more reflexive discourse at least includes the acknowledgement of local complexities and a growing awareness of the need for transparent, accountable and accessible institutions.

However, it can also be argued that the type of ‘participation’ envisaged in most of these NGO proposals takes place on already set terms and offers little potential for challenging the broader paradigms and ideas underpinning the particular policy solutions. Many of the demands for introducing requirements for ‘stakeholder participation’ apply to particular projects at the national and local level. At this point, of course, a global policy will already have been developed and participation is essentially limited to the implementation and follow-up phases. Of more interest, therefore, are the demands for direct participation by affected communities in international institutions, for example, through advisory bodies containing community representatives. Of course, it can be argued that NGOs are using demands for more and better participation by civil society representatives in different international decision-making processes to extend and consolidate their own opportunities for influence. This outcome, however, is not guaranteed. Once IGOs are starting to reach out directly to people’s organisations, community organisations or ‘major groups’, NGOs become just one constituency group among many and risk losing privileged access to these organisations. While this is an unlikely development in the case of the UNFCCC, McKeon’s analysis of the FAO’s efforts to strengthen the participation of grassroots organisations such as Via Campesina shows that many NGOs were left feeling marginalised and alienated.¹⁰²

This analysis finds that, on balance, there is a tendency towards convergence around support for particular procedural (largely participatory) norms among the NGOs engaging with the UNFCCC. While some of the NGOs put more emphasis on these procedural demands and mention them more frequently in their submissions than other NGOs, there is a broad consensus within the NGO community in support of equitable governance structures within international organisations, better representation for particularly vulnerable countries, participatory decision-making processes ranging from the local to the global level, and mechanisms designed to encourage the participation of marginalised groups in particular. This finding would support the assumption that NGOs engaging with international organisations are indeed contributing to the democratisation of these institutions and to making them more accountable to the communities affected by their decisions, though not by acting as ‘transmission belts’. There are, however, at least two important qualifications to this argument: firstly, while NGOs are including these procedural demands in their lobbying activities directed at policy-makers, the extent to which they are also able to bring about change of this type in international organisations is questionable. If anything, it may be argued that they are contributing to a broader process of delegitimisation of unrepresentative

¹⁰⁰ The authors actually distinguish between reformist and radical strands of civic environmentalism. The former is associated with the concept of stakeholder participation in sustainable development for reasons of “democratic efficiency” (p55) whereas the latter seeks to fundamentally change the current global order and consumption and production patterns. Bäckstrand and Lövbrand (2006)

¹⁰¹ Bäckstrand and Lövbrand (2006): 54

¹⁰² McKeon (2009): 62

and non-participatory governance mechanisms. Secondly, a broad consensus around particular procedural demands does not preclude the possibility of significant divergence when it comes to substantive proposals. An international NGO may support the right of a local community to have a say in the policy-making processes that affect this community but may still fundamentally disagree with the substantive demands put forward by the community. It would be interesting to further investigate NGO reactions in instances where such a conflict has taken place.

The NGOs themselves remain a ‘black box’ in many ways, and the extent to which they are relying on functional equivalents to authorisation and accountability¹⁰³ to members or to other communities on the ground needs further analysis. While NGOs have probably always considered themselves representatives of particular constituencies (be it ‘civil society’, their members or future generations), there are now growing calls for NGOs to demonstrate the legitimacy of these claims. A number of NGO accountability initiatives have been developed over recent years, ranging from codes of conducts (by individual organisations or groups of NGOs in the case of the INGO Accountability Charter) to more fundamental organisational restructuring processes based on the principle of accountability to local communities (for example, the Accountability, Learning and Planning System adopted by ActionAid International). It is important to bear in mind, however, that moves designed to strengthen the accountability of NGOs are not necessarily linked to strengthening their accountability to local communities, or view the need for accountability to local communities primarily in the implementation of operational activities rather than in the more strategic policy-making processes that shape the NGOs’ positions at the international level.

There are, however, a number of organisations and networks that have adopted internal democratic mechanisms designed to facilitate ‘bottom-up’ decision-making processes and the cases of the Climate Action Network and Friends of the Earth International are used to illustrate these trends in this paper. In these cases the organisations may be justified in claiming to have a ‘mandate’ to represent their members, although this leaves open the question of whether they are also able to justify potential claims to speak for other, non-member, constituencies (sometimes also referred to as ‘external stakeholders’). It may be, however, that in practice the distinction between internal and external¹⁰⁴ lines of accountability is less of a problem than sometimes assumed in the literature, provided that membership is open to politically mobilised community groups.

One final issue, which needs to be considered, is the question of whether a trend towards authorisation by and accountability to a wider constituency holds costs for NGOs, or brings other problems in terms of legitimacy and/or effectiveness. The example of FoEI has shown that the network’s commitment to grassroots participation resulted in a greater reluctance to engage with global institutions. This trend is perceived critically by some of FoEI’s national member organisations, who continue to work with ‘global elites’ and did not leave CAN when FoEI’s International Network decided to do so. In the case of CAN, some members also perceive a trade-off between greater inclusiveness and effectiveness and

¹⁰³ Castiglione and Warren (2006): 15

¹⁰⁴ Keohane (2002)

believe that more participatory processes compromise the network's ability to take quick decisions.¹⁰⁵

Another potential problem is the fact that a possible trend towards 'mandate' forms of representation by NGOs does not necessarily make them more suited to represent future generations, a role which has also been used to justify demands for more civil society engagement in international organizations. To the extent that the development of a mandate depends on authorization by and accountability to living human beings ("capable to independent action and judgement"¹⁰⁶), no NGO can enjoy a democratic mandate to represent future generations. In fact, if NGOs are to represent this 'constituency', it is perhaps necessary to accept their role of 'trustees', which proves problematic from the viewpoint of democratic legitimacy. A controversial argument may be that a possible trend towards greater accountability by NGOs to living stakeholders could also compromise their ability to act as 'trustees' for future generations (a role which may imply supporting actions that are not favoured by living stakeholders).

¹⁰⁵ Interview with CAN Europe Board member

¹⁰⁶ Pitkin (1967): 209

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